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Paper No. 7

Stephen R. Whitt
1215 Tottenham Court
Reston VA 20194

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AUG 1 6 2002

In re Application of
Koslar, et al.
Application No. 10/067,793
Filed: February 8, 2002
Attorney Docket No. ESP-02001

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OFFICE OF PETITIONS

**DECISION GRANTING
PETITION**

This is a decision on the petition under 37 CFR 1.53(e), filed May 3, 2002 requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice) insofar as it pertains to missing drawing figures.

The application was deposited on February 8, 2002. On March 6, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that drawing figures 4,5,6 & 8 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that drawing figures 4,5,6 & 8 be accorded a filing date of February 8, 2002 on the basis that 22 sheets of drawing figures, including the allegedly omitted drawing figures, were received in the Patent and Trademark Office (PTO) on February 8, 2002. In support, the petition is accompanied by a copy of applicants itemized postcard receipt showing an Office of Initial Patent Examination date stamp of February 8, 2002 as the date of receipt. The postcard lists, *inter alia*, that the filing included 22 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 22 sheets of drawing figures, including drawing figures 4,5,6 & 8, were filed on February 8, 2002. MPEP 503. Accordingly, the request is granted.

The \$130.00 petition fee will be refunded. A treasury check will be scheduled in due course.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of February 8, 2002, using the substitute sheets of drawings submitted with the instant petition. Office records will be corrected to show that 22 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy